

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23532 of 2004

Between:

V.Balaramulu, S/o.V.Sathaiah,
R/o.H.No.B-926, Allwyn Colony, Kukatpally,
Balanagar Mandal, R.R.District.

... PETITIONER

AND

- 1 The Station House officer, Miyapur police Station,
Serilingampally Mandal, Ranga Reddy District.
- 2 Mr.Syed Sharfuddin, s/o.Syed Anwar Hussain,
R/o.H.No.2-1/1, Miyapur, Ranga Reddy District.
- 3 Mr.Mohammed Khaja, S/o.Mohammed Pasha,
R/o.H.No.9-11-87, Golconda Fort, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ, order or direction of the like nature: a) Declaring that the action of the 1st Respondent in harassing the petitioner by frequently calling and detaining him in police station and forcing the petitioner to execute ante-dated agreement of sale in favour of Respondent Nos.2 & 3 and thereby interfering with the peaceful life and liberty of the petitioner at the behest of the 2nd and 3rd Respondents without following due process of law as illegal, arbitrary, un-constitutional and also without jurisdiction. b) Direct the 1st Respondent not to harass the petitioner and his family members by interfering with the peaceful life and liberty of the petitioner, and to pass such other order or further orders.

Counsel for the Petitioner: MR.E.AJAY REDDY

Counsel for the Respondent No.1: GP FOR HOME

The Court at the admission stage made the following :

ORDER:

The petitioner alleges that the first respondent is calling him to the police station and detaining for hours together, at the instance of respondents 2 and 3, without there being any specific complaint and without registering any case. He seeks appropriate directions to the first respondent not to harass him, or otherwise interfere with his rights.

Heard learned counsel for the petitioner and the learned Government Pleader for Home.

The petitioner had made a detailed reference to the nature of disputes between himself and the respondents 2 and 3 in relation to certain land. He alleges that the respondents 2 and 3 tried to pressurize him to execute certain documents, and when he did not yield to the same, they have approached the first respondent, who is said to be harassing the petitioner.

The police are vested with the power to investigate into any complaints received by them and to take further steps after registering the case. Under no circumstances, they can undertake resolution of civil disputes. In the absence of any specific complaint and without registration of any case, they cannot indiscriminately require an individual to attend the police station.

Hence, the writ petition is disposed of, directing that the first respondent shall not require the petitioner and his family members to attend the police station, or otherwise interfere with his rights, except where a specific complaint is received by him and a case is registered under the relevant provisions of law. There shall be no order as to costs.

20th December, 2004

Note: Operative portion by wire

at party's cost.

(B/o)

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To

- 1 The Station House officer, Miyapur police Station,
Serilingampally Mandal, Ranga Reddy District.
- 2 Two C.Cs. to the Government Pleader for Home,
High Court buildings, Hyderabad (OUT)
- 3 Two C.D.copies